

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KEENAN WRIGHT and RAYMOND E. :
BLAKE, :
 :
Plaintiffs, :
 :
v. : Civil Action No. 07-783-JJF
 :
C/O MEARS, et al., :
 :
Defendants. :

ORDER

WHEREAS, Plaintiff, Raymond Blake was a prisoner incarcerated within the Delaware Department of Correction at the time he filed his Complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, on December 13, 2007, the Court entered an Order granting leave to proceed in forma pauperis, and requiring Blake, along with the other named Plaintiffs, to pay the \$350.00 filing fee, jointly and severally, as determined by statute (D.I. 6);

WHEREAS, on May 28, 2008, an Order sent to Blake in a separate case, Civ. Action No. 07-230-JJF (D.I. 29), was returned indicating that Blake had been released and is no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while

imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003);

WHEREAS, on June 16, 2008, the Court ordered Blake to either pay the filing fee owed (\$350.00) or to submit a new standard form application to proceed without prepayment of fees and affidavit within thirty days of the date of the Order (D.I. 21);

WHEREAS, the time has lapsed and Blake has not complied with the Court's June 16, 2008 Order;

THEREFORE, IT IS HEREBY ORDERED that Plaintiff Raymond Blake and his claims are **DISMISSED WITHOUT PREJUDICE**.

8-13-08

DATE

Joseph J. Fane
UNITED STATES DISTRICT JUDGE